

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

SEP 19 2000

PATRICK FISHER
Clerk

ROBERT L. JAMISON,

Petitioner-Appellant,

v.

UNITED STATES AIR FORCE
CLEMENCY & PAROLE BOARD;
MARVIN L. NICKELS, Commandant,

Respondents-Appellees.

No. 00-3021
(D.C. No. 97-CV-3493)
(D. Kan.)

ORDER AND JUDGMENT *

Before **BRORBY, PORFILIO,** and **MURPHY** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Petitioner Robert L. Jamison, a military prisoner appearing pro se, appeals from the denial of his petition for habeas relief filed under 28 U.S.C. § 2241. He argues that the 1988 Department of Defense Directive 1325.4, as applied to him, violates the Ex Post Facto and Due Process Clauses of the United States Constitution. He maintains that the 1968 version of the same directive should apply to him. The district court determined that the 1988 directive was no more onerous than the 1968 version and that its retrospective application was not an ex post facto violation. See R. doc. 23; see also Jefferson v. Hart , No. 91-3232-RDR, 1993 WL 302137, at *4 (D. Kan. July 29, 1993), aff'd, 84 F.3d 1314 (10th Cir. 1996).

We review de novo the district court's denial of habeas relief under § 2241. See Patterson v. Knowles , 162 F.3d 574, 575 (10th Cir. 1998). We have reviewed petitioner's brief, the district court's order, and the record on appeal. We find no error and AFFIRM for substantially the same reasons as those set forth in the district court's November 30, 1999 order.

Entered for the Court

John C. Porfilio
Circuit Judge